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BOAT REGISTRATION AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael G. Waddoups

House Sponsor: John G. Mathis

LONG TITLE

General Description:

This bill authorizes the Board of Parks and Recreation to set the boat registration fee.

Highlighted Provisions:

This bill:

- ▶ removes the maximum boat registration fee;
- ▶ authorizes the Board of Parks and Recreation to set the boat registration fee by following the fee schedule statute; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

⚡→ [None] The bill provides an immediate effective date. ←⚡

Utah Code Sections Affected:

AMENDS:

73-18-7, as last amended by Chapter 317, Laws of Utah 2003

⚡→ Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL ←⚡

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **73-18-7** is amended to read:

73-18-7. Registration requirements -- Exemptions -- Agents -- Records -- Period of registration and renewal -- Expiration -- Notice of transfer of interest or change of



28 **address -- Duplicate registration card -- Invalid registration -- Powers of board.**

29 (1) (a) ~~[Each]~~ Except as provided by Section 73-18-9, the owner of each motorboat and
30 sailboat on the waters of this state shall ~~[be registered, unless it is exempt from registration as~~
31 ~~provided for in Section 73-18-9]~~ register it with the division as provided in this chapter.

32 (b) A person may not place, ~~[or]~~ give permission for the placement of, ~~[a motorboat or~~
33 ~~sailboat on any waters of this state or]~~ operate, or give permission for the operation of a
34 motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered
35 ~~[in accordance with]~~ as provided in this chapter ~~[or is exempt from registration as provided for~~
36 ~~in Section 73-18-9].~~

37 (2) (a) The owner of ~~[each]~~ a motorboat or sailboat required to be registered ~~[by this~~
38 ~~state]~~ shall file an application for registration with the division on forms approved by the
39 division.

40 (b) ~~[(i)]~~ The ~~[application shall be signed by the]~~ owner of the motorboat or sailboat
41 ~~[and accompanied by a]~~ shall sign the application and pay the fee set by the board in
42 accordance with Section 63-38-3.2.

43 ~~[(ii) This fee may not exceed \$10 per year.]~~

44 (c) ~~[The division, before issuing]~~ Before receiving a registration card and registration
45 decals, ~~[shall require from each]~~ the applicant shall provide the division with a certificate from
46 the county assessor of the county in which the motorboat or sailboat has situs for taxation
47 ~~[containing one of the following statements], stating that:~~

48 (i) the property tax on the motorboat or sailboat for the current year has been paid;

49 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient
50 to secure the payment of the property tax; or

51 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the
52 current year.

52a **§→ (d) If the board modifies the fee under Subsection (2)(b), the modification shall take effect**
52b **on the first day of the calendar quarter after 90 days from the day on which the board provides the**
52c **State Tax Commission:**

52c **(i) notice from the board stating that the board will modify the fee; and**

52d **(ii) a copy of the fee modification. ←§**

53 (3) (a) Upon receipt of the application in the approved form, the division shall record
54 the receipt and issue to the applicant registration decals and a registration card ~~[which]~~ that
55 state the number assigned to the motorboat or sailboat and the name and address of the owner.

56 (b) The registration card shall be available for inspection on the motorboat or sailboat
57 for which it was issued, whenever that motorboat or sailboat is in operation.

58 (4) The assigned number shall:

59 (a) be painted or permanently attached to each side of the forward half of the motorboat
60 or sailboat;

61 (b) consist of plain vertical block characters not less than three inches in height;

62 (c) contrast with the color of the background and be distinctly visible and legible;

63 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral
64 groupings; and

65 (e) read from left to right.

66 (5) ~~[Any vessel]~~ A motorboat or sailboat with a valid marine document issued by the
67 United States Coast Guard is exempt from the number display requirements of Subsection (4).

68 (6) The nonresident owner of any motorboat or sailboat already covered by a valid
69 number~~[-which]~~ that has been assigned to it ~~[pursuant]~~ according to federal law or a federally
70 approved numbering system of ~~[his]~~ the owner's resident state~~[-shall be]~~ is exempt from
71 registration while operating the motorboat or sailboat on the waters of this state unless ~~[he]~~ the
72 owner is operating in excess of the reciprocity period provided for in Subsection 73-18-9(1).

73 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a
74 new application form ~~[with the]~~ and fee ~~[shall be filed]~~ with the division, and the division shall
75 issue a new registration card and registration decals ~~[shall be issued]~~ in the same manner as
76 provided for in Subsections (2) and (3).

77 (b) The division shall reassign the current number assigned to the ~~[vessel shall be~~
78 ~~reassigned]~~ motorboat or sailboat to the new owner to display on the motorboat or sailboat.

79 (8) If the United States Coast Guard has in force an overall system of identification
80 numbering for motorboats or sailboats within the United States, the numbering system
81 employed under this chapter by the board shall ~~[be in conformity]~~ conform with that system.

82 (9) (a) The division may authorize any person to act as its agent for the registration of
83 motorboats and sailboats. ~~[Any]~~

84 (b) A number assigned ~~[and any]~~, a registration card, and registration decals issued by
85 an agent of the division in conformity with this chapter and rules of the board ~~[shall be]~~ are
86 valid.

87 (10) (a) ~~[All]~~ The Motor Vehicle Division shall classify all records of the division
88 made or kept ~~[pursuant]~~ according to this section ~~[shall be classified by the Motor Vehicle~~
89 ~~Division]~~ in the same manner ~~[as]~~ that motor vehicle records are classified under Section

90 41-1a-116.

91 (b) Division records are available for inspection in the same manner as motor vehicle
92 records pursuant to Section 41-1a-116.

93 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall
94 continue in effect for ~~[a period of]~~ 12 months, beginning with the first day of the calendar
95 month of registration.

96 (ii) A registration may be renewed by the owner in the same manner provided for in the
97 initial application.

98 (iii) The division shall reassign the current number assigned to the ~~[vessel shall be~~
99 ~~reassigned]~~ motorboat or sailboat when the registration is renewed.

100 (b) Each registration, registration card, and registration decal expires the last day of the
101 month in the year following the calendar month of registration.

102 (c) If the last day of the registration period falls on a day in which the appropriate state
103 or county offices are not open for business, the registration of the motorboat or sailboat is
104 extended to 12 midnight of the next business day.

105 (d) The division may receive applications for registration renewal and issue new
106 registration cards at any time ~~[prior to]~~ before the expiration of the registration, subject to the
107 availability of renewal materials.

108 (e) The new registration shall retain the same expiration month as recorded on the
109 original registration even if the registration has expired.

110 (f) The year of registration shall be changed to reflect the renewed registration period.

111 (g) If the registration renewal application is an application generated by the division
112 through its automated system, the owner ~~[need not]~~ is not required to surrender the last
113 registration card or duplicate.

114 (12) (a) ~~[The]~~ An owner shall notify the division of:

115 (i) the transfer of all or any part of ~~[his]~~ the owner's interest, other than creation of a
116 security interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3)
117 ~~[or of]; and~~

118 (ii) the destruction or abandonment of the owner's motorboat or sailboat.

119 (b) ~~[This notification]~~ Notification must take place within 15 days of the transfer,
120 destruction, or abandonment.

121 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates
122 its registration [~~except if~~].

123 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest [~~which~~] that does
124 not affect the owner's right to operate a motorboat or sailboat[~~, the transfer shall~~] does not
125 terminate the registration.

126 (13) (a) [~~The~~] A registered owner shall notify the division within 15 days if [~~his~~] the
127 owner's address changes from the address appearing on the registration card and shall, as a part
128 of this notification, furnish the division with his new address.

129 (b) The board may provide in its rules for:

130 (i) the surrender of the registration card bearing the former address; and [~~its~~]

131 (ii) (A) the replacement of the card with a new registration card bearing the new
132 address[~~;~~]; or [~~for~~]

133 (B) the alteration of an [~~outstanding~~] existing registration card to show the owner's new
134 address [~~of the holder~~].

135 (14) (a) If [~~the~~] a registration card is lost or stolen, the division may collect a fee of \$4
136 [~~may be collected by the division~~] for the issuance of a duplicate card.

137 (b) If [~~the~~] a registration [~~decals are~~] decal is lost or stolen, the division may collect a
138 fee of \$3 [~~may be collected by the division~~] for the issuance of a duplicate [~~decals~~] decal.

139 (15) A number other than the number assigned to a motorboat or sailboat or a number
140 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,
141 or otherwise displayed on either side of the bow of a motorboat or sailboat.

142 (16) A motorboat or sailboat registration and number [~~shall be~~] are invalid if obtained
143 by knowingly falsifying an application for registration.

144 (17) The board may[~~:(a)~~] designate the suffix to assigned numbers[~~;~~], and by following
145 the procedures and requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking
146 Act, make rules for:

147 [~~(b) adopt rules for~~] (a) the display of registration decals;

148 [~~(c) adopt rules for~~] (b) the issuance and display of dealer numbers and registrations;

149 and

150 [~~(d) adopt rules for~~] (c) the issuance and display of temporary registrations.

150a **§→ Section 2. Fee and repeal date.**

150b **(1) The department may initially establish and assess the fee authorized by Subsection**
150c **73-18-7(2)(b) without legislative approval by following the procedures and requirements for**
150d **setting regulatory fees for a new program under Subsection 63-38-3.2(5).**

150e **(2) This uncodified section is repealed July 1, 2008.**

150f **Section 3. Effective date. ←§**

150g **§→** If approved by two-thirds of all the members elected to each house, this bill takes effect
150h upon approval by the governor, or the day following the constitutional time limit of Utah
150i Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
150j the date of veto override. ←§

Legislative Review Note
as of 1-17-07 2:02 PM

Office of Legislative Research and General Counsel

S.B. 148 - Boat Registration Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Depending on the action of the Board of Parks and Recreation regarding the amount of the fee increase, there would be an increase of State Parks' revenues. For example, a \$5.00 increased registration fee would generate approximately \$380,000 of increased revenues to the Boating Restricted Fund.

Individual, Business and/or Local Impact

Depending on the action of the board regarding the amount of the fee, there may be an increase registration costs to boat owners.

1/24/2007, 9:12:22 AM, Lead Analyst: Djambov, I.

Office of the Legislative Fiscal Analyst